

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY HANN

Plaintiff,

Civil Action No.
05-CV-71347

vs.

HONORABLE PAUL D. BORMAN

STATE OF MICHIGAN, et al.,

Defendants.

OPINION AND ORDER RESOLVING
(1) PLAINTIFF'S MOTION FOR PARTIAL PROTECTIVE ORDER AND SEALING,
(2) RENEWED MOTION TO DISMISS OF DR. QUAYYAM, DR. THYAGARAGAN,
JUDITH DAOUST, AND PAULA MEYER, and
(3) PLAINTIFF'S MOTION FOR REPEATED COMPLIANCE

Now before the Court are the following three motions: (1) Plaintiff's Motion for Partial Protective Order and Sealing [docket entry 103], (2) the Renewed Motion to Dismiss of Dr. Thyagaragan, Dr. Quayyam, Judith Daoust, and Paula Meyer [docket entry 105], and (3) Plaintiff's "Motion for Repeated Compliance With All Relevant Discovery" [docket entry 111]. On July 14, 2008, Magistrate Judge Paul J. Komives issued a Report and Recommendation ("R&R") in which he recommends as follows: (1) that Plaintiff's Motion for Partial Protective Order and Sealing be granted in part and denied in part, (2) that the motion of Dr. Thyagaragan, Dr. Quayyam, Judith Daoust, and Paula Meyer be granted to the extent it seeks Plaintiff's immediate execution of the medical records authorization, and (3) that Plaintiff's "Motion for Repeated Compliance With All Relevant Discovery" be denied.

All three of these motions concern a discovery dispute that had been ongoing between the parties. The dispute involved the discoverability of Plaintiff's medical records and Plaintiff's

unwillingness to execute an unlimited release of the same.

The dispute is now resolved. As stated by Defendants Thyagaragan, Qayyam, Daoust, and Meyer,

[a]t this time, Plaintiff has submitted an unlimited release for the Michigan Department of Corrections, and defendants; counsel has submitted same to the Department to access said medical records.

Therefore, Defendants' counsel wishes to inform the Court that the discovery dispute between the parties is resolved concerning access to Plaintiff's medical records, and pending motions on the issue are moot.

See docket entry 116.

Accordingly, the Court will deny as moot the three motions presently before the Court. Moreover, because the Magistrate Judge's R&R of July 14, 2009, addresses motions that are now moot, the Court need not accept or reject it.

For the reasons stated above,

IT IS ORDERED that Plaintiff's Motion for Partial Protective Order and Sealing [docket entry 103] is denied as moot.

IT IS FURTHER ORDERED that the Renewed Motion to Dismiss of Dr. Thyagaragan, Dr. Quayyam, Judith Daoust, and Paula Meyer [docket entry 105] is denied as moot.

IT IS FURTHER ORDERED that Plaintiff's "Motion for Repeated Compliance With All Relevant Discovery" [docket entry 111] is denied as moot.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 14, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 14, 2009.

S/Denise Goodine
Case Manager